

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL JOB CORPS ASSOCIATION, *et al.*,

Plaintiffs,

- against -

DEPARTMENT OF LABOR, *et al.*

Defendants.

No. 25 Civ. 04641 (ALC)

DECLARATION OF JILLIAN MATZ

I, Jillian Matz, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a certified Federal Contracting Officer and one of two Heads of Contracting Activity (HCA) at the United States Department of Labor (DOL), within the Office of the Senior Procurement Executive (OSPE), Office of the Assistant Secretary for Administration and Management (OASAM).

2. In my capacity as HCA, I head the group of DOL contracting officers within OSPE's Job Corps Acquisition Services (JCAS) responsible for the award and administration of contracts for the operation of DOL's Job Corps centers.

3. Job Corps is a primarily residential career and education training program, with 123 Job Corps centers nationwide.

4. Ninety-nine (99) of those centers are operated by private entities under contracts with DOL, while 24 centers are operated by the United States Department of Agriculture (USDA)'s Forest Service (known as Civilian Conservation Centers).

Job Corps Center Operations Contracts

5. DOL administers 90 separate contracts for operation of Job Corps centers (some of the contracts cover more than one center). Attached as Exhibit 1 to this Declaration is the contract for operation of the Atterbury Job Corps center, in Edinburgh, Indiana. That contract was awarded by DOL to Plaintiff Adams and Associates, Inc., on October 31, 2024.

6. The Atterbury contract at Exhibit 1 is typical of DOL Job Corps center operations contracts, and like all other such contracts, includes both a provision for Termination for Convenience of the Government, by incorporating Federal Acquisition Regulation (FAR) 48 C.F.R. § 52.249-1, and a Disputes provision for the resolution of disputes arising under or relating to the contract, by incorporating FAR 48 C.F.R. § 52.233-1. *See* Exhibit 1 at 62-63.

7. The Termination for Convenience of the Government clause allows the Contracting Officer to terminate the contract, in whole or in part, by providing written notice, when it is in the Government's interest. 48 C.F.R. § 52.249-1. The clause further provides for compensation to the contractor in the event of termination, in accordance with Part 49 of the Federal Acquisition Regulation. *Id.* Part 49 includes general governing principles in the event of a contract termination, including the parties' obligations following the termination, and the negotiation of a termination settlement. *Id.* § 49.000 *et seq.*

8. The Disputes clause, FAR 48 C.F.R. § 52.233-1, which is also incorporated into DOL's contracts with Job Corps center operators, indicates that the contracts at issue are subject to the Contract Disputes Act, 41 U.S.C. § 7101 *et seq.*, and that except as provided in that statute, "all disputes arising under or related to this contract shall be resolved under this clause." 48 C.F.R. § 52.233-1(a)-(b).

9. Job Corps operations contracts typically have a two-year base period of performance, followed by up to three one-year option periods that DOL may unilaterally exercise. The contracts are awarded on a rolling or staggered basis, with each contract having its own expiration date.

Job Corps National Training Contracts (NTCs)

10. In addition to the operations contracts, DOL administers eight contracts for vocational training services in specific trades, work-based learning, career exploration and planning supports, employability counseling, and outcome-based supports for career placements at various Job Corps centers. These contracts are known as national training contracts or NTCs. Attached as Exhibit 2 to this Declaration is the NTC contract awarded by DOL to Plaintiff Transportation Communications Union/IAM (TCU), on July 31, 2023.¹

11. The contract with TCU is typical of DOL's NTC contracts, and like all other such contracts, includes both a provision for Termination for Convenience of the Government, by incorporating Federal Acquisition Regulations (FAR) 48 C.F.R. § 52.212-4(l), and a Disputes provision for the resolution of disputes arising under or relating to the contract, by incorporating FAR 48 C.F.R. § 52.212-4(d). *See* Exhibit 2 at 65, 71.

Termination of Job Corps Center Operations Contracts on May 29, 2025

12. I received an instruction in a May 29, 2025, email from DOL leadership announcing that performance under the operations contracts at the 99 contractor-operated Job Corps Centers should be terminated immediately with all shutdown activities to be completed no

¹ I have redacted unit prices and other potentially confidential information from the contract documents attached to this declaration, the disclosure of which could violate 18 U.S.C. §1905.

later than June 30, 2025. DOL does not contract with center operators at the 24 USDA Forest Service sites, and the instruction did not impact activities at those USDA-run centers.

13. I implemented that instruction by immediately issuing appropriate notices to each operations contractor. The type of notice sent depended on the expiration date of the operations contract in question, as follows:

- a. For those contracts set to expire on June 30, 2025, I notified the operators that the contracts would not be renewed (i.e., that any future option periods would not be exercised). A sample of such a notice, sent to MINACT Inc., the operator of the Treasure Island Job Corps Center in San Francisco, California, is attached hereto as Exhibit 3.
- b. For those contracts that were expiring on May 31, 2025, I issued unilateral extensions of the contracts for one additional month, through June 30, 2025, and notified the contractors that the contract would not be extended further. A sample of such an extension and notice, sent to Serrato Corporation, operator of the North Texas Job Corps Center in McKinney, Texas, is attached hereto as Exhibit 4.
- c. For those contracts set to expire after June 30, 2025, I issued notices of termination for the convenience of the Government. A sample such termination notice, sent to Plaintiff Adams and Associates, Inc., the operator of the Atterbury Job Corps Center in Edinburgh, Indiana, is attached hereto as Exhibit 5.

Termination of National Training Contracts on May 29, 2025

14. Following the instructions from DOL leadership, on May 29, 2025, DOL also issued termination notices to the NTC contractors, as follows:

- a. Seven of the eight NTC contracts included work at both USDA Civilian Conservation Centers and at DOL contract-operated centers. For those contracts, the termination notice was partial, terminating only those activities at the DOL contractor-operated centers. The NTC contractors' work at the USDA centers was not terminated. A sample of a partial termination notice, issued to NTC National Plastering Industry's Joint Apprenticeship Trust Fund is attached hereto as Exhibit 6.
- b. One of the eight NTC contracts, held by Plaintiff Transportation Communications Union/IAM (TCU), included only work at DOL contract-operated centers (i.e., no work is performed at any USDA center under that contract). For that NTC contract, the termination notice was for a full (not a partial) termination. A copy of that termination is attached hereto as Exhibit 7.

Contract Actions to Implement Prior Pauses of Center Operations

15. The cessation of contractor operations at a Job Corps Center (through terminations of contracts, issuance of stop work orders, or non-renewal of contracts) is separate and distinct from the closure of a Job Corps Center through the statutorily prescribed notice-and-comment process.

16. In the past, DOL has terminated operator contracts, stopped work, or has let contracts expire, in advance of a possible closure of the Center. For instance:

- a. In September 2015, DOL placed the Homestead Job Corps Center in Homestead, Florida, in inactive status. On November 15, 2015, DOL awarded a caretaker contract (for facility maintenance, grounds maintenance, and security services) to a different contractor and terminated its contract with the contractor operating the center.
- b. In September 2017, Hurricane Maria damaged the three Job Corps centers in Puerto Rico: the Arecibo Job Corps Center in Arecibo, the Ramey Job Corps Center in Aguadilla, and the Barranquitas Job Corps Center in Barranquitas. All three centers were placed in inactive status due to structural damage. On October 5, 2017, in accordance with FAR 52.242-15, DOL issued a stop-work order to the contractor operating the three Puerto Rico centers. A copy of that stop-work order is attached hereto as Exhibit 8.
- c. Also in September 2017, Hurricane Irma damaged the Gainesville Job Corps Center in Gainesville, Florida. It was placed in inactive status due to the significant costs associated with repairing the center. On October 6, 2017, in accordance with FAR 52.242-15, DOL issued a stop-work order to the contractor operating the Gainesville Job Corps center. A copy of the stop-work order is attached hereto as Exhibit 9.
- d. DOL paused center operations at the Whitney M. Young Job Corps center in Simpsonville, Kentucky, and at the Woodstock Job Corps center in Woodstock, Maryland, as of January 31, 2025. For the Whitney Young center, DOL did not exercise a contract option year after the base period of the contract ended. For the

Woodstock center, DOL extended the contract but only to provide caretaker services for the facility.

- e. DOL also paused the reestablishment of operations at the Carville Job Corps center, in Carville, Louisiana. In January 2025, DOL issued a notice of partial termination for convenience (ceasing all but caretaker services) to the contractor operating the Carville center, which was ramping up for re-establishing center operations. A copy of the termination for convenience notice is attached hereto as Exhibit 10.

* * *

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Signed this 10th day of June of 2025.

Jillian Matz

Digitally signed by Jillian Matz
Date: 2025.06.10 13:43:34
-04'00'

Jillian Matz

DOL Head of Contracting Activity/Contracting Officer